

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEREK E. GRONQUIST,

Plaintiff,

v.

DANIEL WILLIAMS, *et al.*,

Defendants.

Case No. C06-5543 RBL/KLS

ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
MOTION FOR SUMMARY
JUDGMENT

Before the Court is Plaintiff's motion for an extension of time to respond to Defendants' motion for summary judgment and declaration in support. (Dkt. # 94 and 95). Having reviewed Plaintiff's motion, Defendants' response (Dkt. # 98), and Plaintiff's supplemental declaration (Dkt. # 106), the Court finds that the motion should be denied.

I. BACKGROUND

On October 3, 2006, Plaintiff filed his complaint. (Dkt. No. 3). On February 26, 2007, Defendants filed their answer. (Dkt. No. 67). On March 28, 2007, Defendants received a discovery request from Plaintiff. (Dkt. # 89, Exh. 1, ¶ 5) Defendants responded to this request on April 25, 2007, producing 284 pages of documents. (*Id.*). This is the only discovery request propounded by Plaintiff. (*Id.*, Exh. 1, ¶ 6).

1 Plaintiff previously filed a motion to appoint expert witnesses, for a 90-day extension of
2 time to conduct discovery, to file dispositive motions and prepare for trial. (Dkt. # 85). That
3 motion was denied. (Dkt. # 97). The Court noted, however, that Defendants had recently filed their
4 summary judgment motion and that if Plaintiff could identify particular discovery needed to
5 adequately prepare his opposition to the pending summary judgment motion, he may request a
6 reasonable extension of that deadline. (*Id.*).

7 Plaintiff seeks an extension for two reasons. The first is that he has been confined to bed
8 with a severe cold and debilitating [sic] pinched nerve in his back. (Dkt. # 95). Plaintiff declares
9 that he has been so confined since being served with Defendants' motion for summary judgment in
10 early October. (*Id.*).

11 The second reason for Plaintiff's extension is that he seeks deposition discovery to prove
12 that Defendants Gregg, Lajueness, and Lackney perjured themselves in their declarations. Plaintiff
13 further seeks discovery into whether DOC's diet is nutritionally adequate. (*Id.*). Plaintiff also seeks
14 to depose Defendants Clarke, Ceden, Johnson, Miller-Stout, Curran, Waddington, Roberts, May,
15 Butler, Dyson and Brunson in order to prove their personal participation. (*Id.*). Plaintiff states that
16 he has alleged their participation in his complaint and that he has documents supporting his claims,
17 but believes that if he is allowed to question the defendants, they will admit their participation. (*Id.*,
18 p. 5).

19 Defendants oppose Plaintiff's request for a stay and for additional discovery. (Dkt. # 98).
20 Defendants draw the Court's attention to Plaintiff's litigation activities for October and November.
21 (*Id.*). Contrary to Plaintiff's claim that he has been incapacitated since receiving Defendants'
22 motion for summary judgment, he has several other cases pending in various courts that he has been
23 actively litigating in October and November. (*Id.*, Exh. 1-3). On October 8, 2007, Plaintiff filed a
24 Motion to Compel Discovery and Impose Sanctions with supporting documents in the case of
25 *Gronquist v. DOC*, et al., Spokane County Superior Court Cause No. 02-2-05518-9. (*Id.*, Exh. 3,
26 Attach. F – J). On October 17, 2007, Plaintiff filed another Motion to Compel Discovery and
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1 Impose Sanctions with supporting documents in another case, *Gronquist v. Barshaw, et al.*,
2 Thurston County Superior Court Cause No. 05-2-01941-4. (*Id.*, Exh. 3, Attach. A – E).

3 On October 18, 2007, the Attorney General's Office received two letters from Plaintiff. In
4 *Gronquist v. DOC, et al.*, Spokane County Superior Court Cause No. 02-2-05518-9, the assigned
5 attorney received a letter requesting to meet and confer. (*Id.*, Exh. 3, Attach. L). In the case at hand,
6 Defendants' counsel received a letter from Plaintiff demanding that Defendants withdraw their
7 motion for summary judgment. (*Id.*, Exh. 1, Attach. A). On October 22, 2007, Plaintiff submitted a
8 request for production of documents to Defendants in the case of *Gronquist v. DOC, et al.*, Spokane
9 County Superior Court Cause No. 07-2-00562-0. (*Id.*, Exh. 2, Attach. A). On October 26, 2007,
10 Plaintiff participated in oral argument regarding his motion to compel in the case of *Gronquist v.*
11 *Barshaw, et al.*, Thurston County Superior Court Cause No. 05-2-01941-4. (*Id.*, Exh. 3, ¶ 4). On
12 October 31, 2007, the Attorney General's Office received another letter from Plaintiff regarding the
13 Court retaining original transcripts to go with his motion to enforce judgment or impose sanctions.
14 (*Id.*, Exh. 3, Attach. M). On November 2, 2007, Plaintiff participated in another oral argument on
15 his motion to compel in the case of *Gronquist v. DOC, et al.*, Spokane County Superior Court
16 Cause No. 02-2-05518-9. (*Id.*, Exh. 3, ¶ 7).

17 It is clear to this Court that Plaintiff's claim that illness and injury have made it impossible
18 for him to respond to the motion for summary judgment within the time Defendants have scheduled
19 their motion is not true. The evidence before the Court reflects that he has been actively litigating
20 several other cases against the DOC and its employees since having been served with Defendants'
21 Motion for Summary Judgment.

22 Additionally, although the Court left open the possibility that Plaintiff may seek additional
23 time for discovery to address specific elements of Defendants' motion for summary judgment,
24 Plaintiff merely seeks to reopen discovery altogether. It is possible that Defendants' factual
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1 declarations may be challenged with Plaintiff's own declaration, based on his personal knowledge,
2 so as to create material issues of fact for purposes of summary judgment. Plaintiff has provided no
3 compelling reason to allow him to depose almost all of the Defendants on the eve of summary
4 judgment when he had over six months to conduct discovery and chose not to do so.

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6 Since the filing of his motion to stay Defendants' motion for summary judgment, Plaintiff
7 has filed his response and declaration in opposition to the motion for summary judgment. (Dkt. #
8 102, 103). Plaintiff has not file a reply to Defendants' opposition to his motion to stay. In his
9 recently filed supplemental declaration, Plaintiff claims that he needs additional discovery to verify
10 the signatures of certain alleged "supervisory" defendants contained on the exhibits attached to his
11 declaration in opposition to the motion for summary judgment. As the signatures have not been
12 called into dispute, this is also not a compelling reason to allow additional discovery.

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14 Accordingly, it is **ORDERED**:

- 15 (1) Plaintiff's request for a stay of the motion for summary judgment (Dkt. # 94) is
16 **DENIED**; and
17 (2) The Clerk is directed to send copies of this Order to Plaintiff and counsel for
18 Defendants.

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21 DATED this 20th day of December, 2007.

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24 Karen L. Strombom
25 United States Magistrate Judge
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